

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

MARK GREEN,	::	MOTION TO VACATE
Movant,	::	28 U.S.C. § 2255
	::	
v.	::	CRIMINAL NO.
	::	1:08-CR-0189-TWT-RGV-1
UNITED STATES OF AMERICA,	::	
Respondent.	::	CIVIL ACTION NO.
	::	1:11-CV-1197-TWT-RGV

**ORDER FOR SERVICE OF REPORT AND RECOMMENDATION**

Attached is the report and recommendation of the United States Magistrate Judge made in accordance with 28 U.S.C. § 636(b)(1) and this Court's Local Rule 72. Let the same be filed and a copy, with a copy of this order, be served upon counsel for the parties.

Each party may file written objections, if any, to the report and recommendation within fourteen (14) days after being served with a copy of it. 28 U.S.C. § 636(b)(1). Should objections be filed, they shall specify with particularity the alleged error(s) made (including reference by page number to the transcript if applicable) and shall be served upon the opposing party. The party filing objections will be responsible for obtaining and filing the transcript of any evidentiary hearing for review by the district court. If no objections are filed, the report and recommendation may be adopted as the opinion and order of the district court and any appeal of factual findings will be limited

to a review for plain error or manifest injustice. United States v. Slay, 714 F.2d 1093 (11th Cir. 1983).

The Clerk is **DIRECTED** to submit the report and recommendation with objections, if any, to the district court after expiration of the above time period.

**IT IS SO ORDERED** this 22nd day of June, 2011.

  
RUSSELL G. VINEYARD

UNITED STATES MAGISTRATE JUDGE

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**FINAL REPORT AND RECOMMENDATION**

On April 11, 2011, movant Mark Green filed this pro se motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255, but did not list any grounds for relief. [Doc. 424]. Accordingly, on May 5, 2011, the Court ordered Green to amend his § 2255 motion within thirty (30) days by listing every ground on which he claims relief and stating the facts supporting each ground. [Doc. 425]. The Court advised Green that failure to timely amend his § 2255 motion may result in the dismissal of this action. [Id.]. More than thirty days have passed since entry of the Order, and Green has not filed an amendment to his motion to vacate.

Accordingly, **IT IS RECOMMENDED** that this 28 U.S.C. § 2255 motion to vacate sentence, [Doc. 424], be **DISMISSED WITHOUT PREJUDICE** for Green's failure to follow a lawful order of this Court. See LR 41.3A(2), NDGa.

The Clerk is **DIRECTED** to terminate the referral to the assigned Magistrate Judge.

**IT IS SO RECOMMENDED** this 22nd day of June, 2011.

  
RUSSELL G. VINEYARD

UNITED STATES MAGISTRATE JUDGE